



**City Council
Regular Meeting
February 20, 2007
7:00 P.M.**

The regularly scheduled meeting of the Trinity City Council was held on Tuesday, February 20, 2007 at the Trinity Memorial United Methodist Church, In the sanctuary. A quorum was present.

MEMBERS PRESENT: Mayor Frances Andrews, Council members Karen Bridges, Phil Brown, Bob Labonte, Dwight Meredith, Edith Reddick, and Miles Talbert.

MEMBERS ABSENT: Barbara Ewings and Barry Lambeth

OTHERS PRESENT: City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Administrator, Adam Stumb; City Clerk/FO, Debbie Hinson; Ed Powell, Davis-Martin-Powell and Associates; Members of the Press; and other interested parties.

Call to Order

Mayor Andrews called the February 20, 2007 Regular Meeting of the Trinity City Council to order at 7:07 pm.

Pledge of Allegiance

Mayor Andrews led the Pledge of Allegiance.

Invocation

The invocation was given by Council member Reddick.

Welcome Guest and Visitors

Mayor Andrews welcomed and thanked all persons in attendance and for their interest in the City and invited them to attend each month.

Public Concerns and Commendations

Donald Gray- 4980 Darr Rd; Mr. Gray thanked Council for sewer services provided in his area. Mr. Gray discussed his handout concerning complaints after the service was installed. He also discussed the 2 trees left standing on the right of way easement he granted to the city and who was responsible if the trees should fall and damage his property or the neighbor's property next door. He also discussed his complaint concerning his driveway. He advised Council that when the contractor completed the work they seeded his driveway and did not leave it in the condition it was prior to the work with gravel. He asked that Council address his concerns tonight prior to the closing of the project.

Chester Ayers- 3498 Circle Drive; Mr. Ayers discussed his desire to see the City try to find a way to regulate advertisements that were either thrown in the yard or left at the mailboxes and eventually ended up in the yards. It was his opinion these items should be regarded as trash or littering just as trash being thrown out of vehicles into a person's yard and would like to see the City find ways to eliminate the type of advertisement currently taking place in the community as he discussed earlier. He asked that the City suggest to business owners other means of advertisement.

Marsha Reddick: Prior to Ms. Reddick speaking, Mayor Andrews advised Ms. Riddick that if her comments were in regards to the Thoroughfare Plan that the MPO Committee passed the plan without her vote.

Ms. Riddick, discussed her conversation with Mr. Vennable concerning the section that included Collette Farm Road located on NC Highway 62 continuing to Prospect. She stated that she had been advised that the only way this section of the Plan could be built was if the City of Trinity requested it. She advised Council that if the City of Trinity wanted this road built that she would be opposed to it since it was on her property and would fight the decision to include this portion of the Plan if the City were to make the request to include this proposed road at any time in the future.

Opening Comments from Members of Council

None

Reports

1. Annual Report and Funding Request for Archdale-Trinity Chamber of Commerce (Beverly Nelson, President)

Ms. Nelson advised Council that her 3 purposes tonight was to thank Council for their support for the 2006 year, report on how the dollars were spent by the chamber and to request that the Archdale/Trinity Chamber be considered for funding in the City of Trinity's 2007-2008 Annual Budget.

Ms. Nelson reviewed the 2006 Annual Report of the Archdale/Trinity Chamber highlighting some of the items provided by the Chamber during the year. After the review of the 2006 Annual Report Ms. Nelson shared the 2007 goals for the Chamber highlighting the substantial changes planned that would impact the citizens of Trinity. **(These reports can be seen at City Hall as an attachment to the minutes).**

After a brief discussion, ***Motion by Council member Talbert to award \$5,000.00 to the Archdale/Trinity Chamber for the fiscal year 2007-2008, seconded by Council member Brown and approve unanimously by all Council members present.***

2. Wastewater Projects Update (Randy McNeill, Davis-Martin-Powell & Assoc.)

Mr. McNeill was not present at the meeting and the Wastewater Projects Update was given by Mr. Ed Powell, Engineer, Davis, Martin, Powell and Associates.

Davis-Martin-Powell and Associates Monthly Projects Progress Report February 1, 2007

Phase 1 - Sewer Extensions

- All work is complete and system is ready for service connections
- Expect to close out Grant as soon as State conducts final inspection

Colonial Heights Area

- Project is substantially complete
- Yards will be reworked as warranty work
- Leak has been repaired and pump station is in operation

Phase 2 Sewer Extension

- Construction is underway
- Two crews are installing pipe within Dawnwood Park

Darr Road Area

- Pump station structure and valve vault have been installed
- 80% of gravity sewer and 100% of forcemain has been installed
- Two crews installing pipelines daily
- Contractor has requested some bad weather delays

Phase 3 Sewer Extension

- Detailed pipeline routing exhibits prepared for all areas
- Plan/profile drawings finalized for Lakewood area
- Plan/profile drawings finalized for Hopewell, Jerry St, area
- Forcemain back to Phase 2 along Interstate plans are complete
- Plan/profile drawings being finalized for the Wood Acres area
- Easement drawings and legals for Lakewood area submitted to attorney and r/w agent
- Easement drawings and legals are being finalized for the Hopewell, Jerry street area

City of Trinity

Sewer System Improvements Preliminary Completion Schedules - February 1, 2007

Phase 1 Extension

Construction completed	August 2006
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Colonial Heights

Construction substantially completed	October 2006
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Parr Road Area

Began construction	July 2006
Original completion date	January 2007
Anticipated completion date	April 2007

Phase 2 Project

Begin construction	December 2006
Complete construction	February 2008

Phase 3 Project

Begin design	December 2005
Complete design of contract 1	October 2006
Complete design of contracts 2 & 3	April 2007
Receive permits & easements for contract 1	June 2007
Receive permits & easements for contracts 2 & 3	November 2007
Begin construction of contract 1	July 2007
Begin construction of contracts 2 & 3	December 2007
Complete all construction	March 2009

Phase 4 Project

Begin design	Spring 2008
Complete construction	Fall 2012

Phase 5 Project

Begin design	Spring 2010
Complete construction	Fall 2014

During the review of the projects Mr. Powell discussed the following items:

Phase 1: The 3 million dollar grant for this project was restricted to the area covered by this project. We were able to utilize \$ 2,792,000 of the total grant. Our firm has submitted a final draft in the amount of \$163,845 for repayment to the City of Trinity.

Colonial Heights: This project is substantially complete. There are still some remaining yards to be reworked and pavement repair. The paving has been delayed due to the weather; however we hope to have the road redone very quickly if the weather permits.

Phase 2-: Construction is under way with 2 crews working on pipe. The pump station is up and we hope to have 4 crews working on this project within 2 weeks.

Darr Road: The pump station has been installed and almost ready to become operational. Almost 95% of pipe is complete. There are 2 crews currently working on main pipe. The service lines were installed at the time the contractor came through. We hope to have all pipes installed by the end of the month but it will probably be April before this project will be up and running.

Phase 3: The City has a 5 million dollar loan committed to this project. This project has increased in costs from 7 to 10 million dollars. This is a large area with approximately 300 parcels that the City will need to acquire easements from. We have divided this phase into 3 contracts and hope to be able to award the first contract in June 2007.

Phase 4 and 5: These projects will be a continuation of the sewer phases.

After the review, there was discussion between Mr. Powell, Manager Bailie, and Council concerning the possibility of changes that may be possible in Phase 3 and 4 that were discussed during the Annual Retreat. Manager Bailie advised Council that she, Mr. McNeill and Ms. Hinson met to discuss the possibility of making the changes discussed earlier. Mr. Hart with Rural Development is uncomfortable with changing the scope of Phase 3; however, there may be other types of funding such as economic development for the Phase 4 area that was discussed at the Annual Retreat. In conclusion, Mr. Powell discussed with Council other grants that may be available for this project at a later date

Public Hearings

3. Close-Out Of Community Development Block Grant (CDBG) Project #04-C-1294.2, Darr Rd. Area Sewer Project (Steve Austin, Senior Planner with Benchmark CMR, Inc.)

Steve Austin: Benchmark: Mr. Austin discussed the project and the \$750,000 CDBG Grant awarded to the City of Trinity for the Darr Road area to install sewer lines. At the end of the project the City is required to hold a Public Hearing. Once this Grant is closed out the City will be eligible to apply for more funding of this type. This project will give 66 homes access to sewer service.

At this time, Mayor Andrews opened the Public Hearing to anyone who wished to speak for this request. Hearing none, Mayor Andrews opened the floor to anyone who wished to speak against this request. Hearing none, Mayor Andrews closed the Public Hearing.

After the Public Hearing was closed, Manager Bailie advised Council members no action was required on this item.

4. Rezoning request #Z07-02, to rezone property located at 6946 Kennedy Rd., tax parcel number 7706030784, from RA (Residential Agriculture) to R-40 (Residential – 40,000 sq/ft). Property is owned by Jordan McKinney.

Mayor Andrews opened this item and asked the property owner for comments on his request.

Mr. Jordan McKinney, 6946 Kennedy Road: Mr. McKinney advised Council he had made the request for rezoning to R-40 in order to split the lot that would allow him to build a house on the second lot.

Following Mr. McKinney, Mr. Stumb, Planning Administrator briefed Council on this request advising Council the property consisted of approximately 2 acres and the request was to rezone from Residential Agriculture (RA) to Residential 40 (R-40). The main change for this request is the lot size. The current zoning Residential Agriculture (RA) allows agriculture uses and the requested rezoning to R-40 does not.

At this time Mayor Andrews opened the Public Hearing to anyone who wished to speak in favor of the request.

Speaking for the request:

Mark Terry, Surveyor, 10837 North Main Street, Archdale; -Mr. Terry advised Council members that he was hired to survey the property for the owner who wished to divide the lot in order to build another home on the lot. Mr. Terry also confirmed to Council that the lot will perk. He asked Council to approve the request.

With no others speaking for the request, Mayor Andrews called for anyone who wished to speak against the request. Hearing none, Mayor Andrews closed the Public Hearing and called on Mr. Stumb for recommendation.

Planning / Zoning Board and Staff Recommendation

Motion to approve the rezoning request to amend the Zoning Ordinance of the City of Trinity by rezoning the property in case #Z07-02 from RA to R-40, the said rezoning being consistent with the City's Land Development Plans and further being both reasonable and in the public interest because of the following facts:

- The adopted land use plan has designated this property as low density residential. The requested zoning for this property, R-40, is a low density residential zoning district of one unit per are which is consistent with the current land use plan.
- The proposed land se plan has designated this area as rural residential. The requested zoning is consistent with the intent of proposed land use category in accommodating new low density single family residential.

- In accordance with General Statute 160A-383, the rezoning request is consistent with the existing land use plan approved on February 16, 1999 and the proposed land development plan.

Motion by Council member Talbert to approve the request consistent with the Planning Board motion as stated above seconded by Council member Brown and approved unanimously by all Council members present.

5. Rezoning request #Z07-03CZ, to rezone property located at NC Hwy 62, tax parcel number 7708831690, from R-40 (Residential – 40,000 sq/ft) to HC-CZ (Highway Commercial Conditional Zoning). Property is owned by the Trinity Frame Company.

Mayor Andrews opened this item and called on Mr. Stumb, Planning Administrator to brief Council on this item.

Mr. Stumb advised Council this request was to change the current zoning from RA (Residential Agriculture) to HC-CZ (Highway Commercial Conditional Zoning). The CZ allows the applicant to consider additional conditions to the request. The property is approximately 2.467 acres. There are a mix of different uses in the area where this property is located. NC Highway 62 is one of the main thoroughfares located around this property. If a small retail building is built in this area NCDOT will make some recommendations for road improvements. The Planning Board discussed the building materials for the building and what the building would look like. We considered the uses in Highway Commercial and most of them did seem appropriate for this area.

There was conversation concerning Council's ability to add additional uses to the request and the proper procedure required to accomplish any additional conditions. Mr. Stumb advised Council that they would need to work with the applicant when considering which uses to eliminate or add. The uses can be limited; however the staff and Planning Board did feel the uses allowed were appropriate uses for the area.

Mayor Andrews called on the representative from Trinity Frame for comments to the Council concerning this request.

Mr. Ronald Smith, Trinity Frame, located at 10189 Archdale Road; We are trying to correct something that we think happened years ago. We have been in business for 43 years and were under the City of Archdale's jurisdiction. We did not realize until a short time back that the zoning on our manufacturing building was incorrect. We corrected that and at the time requested that the City of Archdale zone the property being discussed to commercial.

At this time Mayor Andrews opened the Public Hearing to anyone who wished to speak in favor of this rezoning request. Hearing none, Mayor Andrews opened the Public Hearing to anyone who wished to speak against this rezoning request. Hearing none, Mayor Andrews closed the Public Hearing and asked Mr. Stumb for a recommendation.

Planning Board Recommendation:

The Planning Board voted to recommend approval of the rezoning request to amend the Zoning Ordinance of the City by rezoning the property in case #Z07-03 from R-40 to HC-CZ (Highway Commercial Conditional Zoning), the said rezoning being consistent with the City's Land Development Plans and further being both reasonable and in the public interest because of the following facts:

- The current land use plan has designated this property as mixed use including low density office-institutional and commercial. The requested zoning is for commercial use.
- The proposed land use plan has designated this area as the historic center of the community where infill development should add value and preserve the historic integrity and unique character of the City.
- In addition, the requested conditions are consistent with goals of the proposed plan: enhancing the community's appearance, locating new development in appropriate places, and attracting new jobs and a more diverse tax base.
- In accordance with General Statute 106A-383, the rezoning request is consistent with the existing land use plan approved on February 16, 1999 and the proposed land development plan.

The following additional conditions were also a part of the approval of this request.

•No building elevation, including foundation, may be covered with sheet or corrugated aluminum, iron, steel, plain concrete block or exterior panelized plywood. Except, however, such materials may be used as secondary exterior finish materials if they cover no more than twenty (20) percent of the surface area of any one elevation. The builder is encouraged to use the following materials, utility brick, standard brick, stucco, synthetic stucco,

color split face block, glass, stone, cement composite siding or other similar high quality materials. Building material shall be presented prior to issuance of a zoning permit.

•All lighting shall be directed in to the property so as not to trespass in to the adjoining property. A lighting plan shall be presented prior to issuance of a zoning permit.

After a brief discussion, *motion by Council member Brown to approve the request from R40 to Highway Commercial pursuant to the recommendations and conditions of the Planning Board listed above. The motion was seconded by Council member Talbert. The motion and second was approved unanimously by all Council members present.*

Consent Agenda

6. Consideration of minutes: Jan. 9, 2007 Pre-agenda Meeting
7. Consideration of minutes: Jan. 16, 2007 Regular City Council Meeting
8. Consideration of minutes: Jan. 30, 2007 Special Called City Council Meeting
9. Cold Brook Ct. – Approval of Change Order
10. Cold Brook Ct. – Adopt Resolution Declaring Costs, Ordering Preparation of Preliminary Assessment Roll, and Setting Public Hearing on Preliminary Assessment Roll.

Mayor Andrews opened the Consent Agenda for corrections or changes.

Council member Bridges asked that the following changes be made to the January 09, 2007 Pre-Agenda Meeting Minutes and the January 16, 2007 minutes as follows:

January 09, 2007 corrections

Page 3- first paragraph- correct the Council person making and seconding the motion.

Page 6- correct the amount listed as the annual debt payment to \$771, 620

January 16, 2007 corrections

Item 7, page 5: correct the address of Mr. John Maddocks

With no other corrections, Council member Bridges made a motion to approve the Consent Agenda with the recommended changes incorporated, seconded by Council member Labonte and approved unanimously by all Council members present.

11. Consider Resolution adopting Land Development Plan

Manager Bailie advised Council that the changes submitted were the same changes that were generally agreed upon by Council during the last two (2) meetings. The latest change was taking out the designations of Old Town and New Town and substituting Commercial North and Commercial South. Otherwise the changes remained as discussed.

Motion by Council member Bridges to adopt the Land Development with the approved changes, and seconded by Council member Labonte. The motion was approved 4 to 2 with Council members Talbert and Brown voting Nay.

New Business

12. Steeplegate Streetlights Proposal

Mayor Andrews opened this item for discussion and called on Mr. Gary VanLandingham to address Council on this proposal.

Mr. VanLandingham thanked the Planning/Zoning personnel, Infrastructure Committee and the Council for their work and consideration concerning the Steeplegate Streetlight Proposal. The Steeplegate property owners have made every effort to comply with the requirements of the City as they apply to our case. We are open to suggestions or amendments to the plan as the City may deem appropriate. Our request applies only to lighting along city owned roadsides and does not seek to consider any privately or community owned streets or off street security lighting. By being relieved of our monthly electric payments our Association can be in a better position to move forward with improvements to our community with perhaps some green space, playgrounds, and walking paths that could ultimately be a benefit to the entire community of Trinity. Steeplegate seeks only to be an active and inclusive part of the City of Trinity. We do not seek any kind of preferential or special treatment that would not be afforded to any

other similar situation in Trinity. We remain committed to working together with the City of Trinity as we continue to evolve to a better place for all of our residents to live and raise our families. Residents of Steeplegate very much appreciate your serious consideration of this proposal.

At this time, Mayor Andrews called on Mr. Stumb for comments or recommendations on this item to Council.

Mr. Stumb discussed with Council the following conditions that should be considered as part of the request if Council approves the request.

1. Steeplegate (SPOA) will pay decorative “adder” charge for 99 lights (approximately \$ 68,377.32).
2. Steeplegate (SPOA) will continue responsibility for 8 lights on Waterford Drive.
3. Steeplegate (SPOA) will install 23 additional lights in the locations agreed upon by the City.
4. Steeplegate (SPOA) will be responsible for any and all charges associated with the installation of the 23 additional lights.
5. Existing 175 watt Mercury Vapor (white) lights be allowed to remain.

Staff Recommendation: Staff recommends taking over the operating costs of streetlights in Steeplegate with the conditions outlined above.

Infrastructure Committee Recommendation: The Infrastructure Committee voted on January 09, 2007 to recommend approval to the Council for this request.

Council Discussion: Council member Talbert discussed his concerns for citizens that may be paying for their own street lights. He stated that he had been paying for his own street light for 30 years. Council member Talbert stated that he would like to see all unmetered lights included in this motion.

Council member Meredith discussed his tenure of Council. During this time this item has been presented to Council 3 or 4 times. If the Homeowners Association is willing to pay approximately \$70,000.00 and maintain the privately owned lights I believe this is a good proposal. The City has to maintain and pay for lighting in new developments. These lights are already located in this community and I am not opposed to paying for these lights if the Homeowners are willing to pay \$70,000.00. They are willing to bring the lighting up to City standards and comply with the new rules and guidelines implemented by the City.

Council member Brown discussed the lighting policy implemented in 2001 and the procedure adopted at that time. He also discussed unmetered lighting paid by other residents including himself as discussed earlier by Council member Talbert.

Council member Labonte stated that he felt some persons were confused by the difference between security lights and street lights. Street lights illuminate the street. He discussed the difference between security lighting that residents had installed on their own private property, and street lights that were installed on the rights of way. He discussed a security light that he had installed and his responsibility to pay the bill.

There was discussion between Council member Labonte and Council member Talbert concerning the location of the lighting at Council member Talbert’s home. It was the opinion of Council member Labonte that the lighting in question was considered a security light and not a street light. Council member Talbert discussed the location of the lighting on his property as well as additional property in the neighborhood. Council member Labonte suggested that Council member Talbert get together with City officials to determine if the lighting in question was considered street lighting and if so to make the same request for his development as the Steeplegate residents had done. It was his opinion that Council member Talbert’s suggestion to tie other lighting issues to this proposal should not be done.

Mayor Andrews discussed how the lighting costs were paid. She advised members of the audience that monies for the costs of street lighting was paid from the Utilities Franchise Fees and not tax dollars collected from the residents.

Mayor Andrews called for a motion on this item.

Council member Labonte made a motion to approve the proposal as presented. The motion was seconded by Council member Meredith. The vote was as follows:

Council member Labonte: Aye
Council member Meredith: Aye

Council member Bridges: Nay
Council member Brown: Nay
Council member Reddick: Nay
Council member Talbert: Nay

The motion to approve the proposal as presented was defeated by a 4 to 2 vote.

13. Consider Adding Roads in Stone's Throw Subdivision to City's Street System

Mayor Andrews opened this item and turned the discussion over to Mr. Powell, Engineer, Davis, Martin, Powell, and Associates.

Mr. Powell advised Council that the Stone's Throw Subdivision had 4 streets. The Council had provided improvements to Cold Brook Court. This street has been added to the City system of streets and will be included on the Powell Bill.

The other 3 streets in this subdivision have been upgraded by NCDOT in the past 5 years and are in very good shape. There will not be a maintenance problem on these streets should the City elect to take over these streets. Since the City now has 1 street in this subdivision included on the City System it is reasonable for the City to add the remaining 3 streets to your system. The City will need to petition NCDOT to remove these streets from their system so the City can add them to their system and add them to the Powell Bill Reports in order to receive the funding on these streets for maintenance.

There was discussion between Council members and Mr. Powell concerning the amount of mileage acquired for the streets discussed as well as the funding that would be received for maintenance and the length of time that it would take the City to recoup funds. Manager Bailie discussed with Council her calculations for the amount of mileage that would be generated from this subdivision. She advised Council that her estimate was approximately ½ mile of roads that would equate to approximately \$600.00 in Powell Bill Funds.

After further discussion concerning the amount of money that would be received for maintenance fees, the amount of time before maintenance would be needed in this area, and the uses of Powell Bill Funds, *Council member Meredith made a motion to petition NCDOT by Resolution to release the streets in the Stones Throw Subdivision to the City and that the City add the streets to their street system and assume the maintenance on the streets discussed in the Stones Throw Subdivision, seconded by Council member Talbert and approved unanimously by all Council members present.*

Business and Closing Comments from Mavor and Council

None

Business from City Manager

None

Adjournment

With no other business to discuss, Mayor Andrews called for a motion to adjourn the February 20, 2007 Regularly Scheduled Meeting of the Trinity City Council.

Motion by Council member Meredith to adjourn the February 20, 2006 Regular Meeting of the Trinity City Council at 8:22: pm , seconded by Council member Labonte and approved unanimously by all Council members present.

These minutes were approved by the Trinity Council at their Regularly Scheduled Meeting on March 20, 2007 as written with no changes upon motion of Council member Ewings, seconded by Council member Talbert, and approved unanimously by all Council members present.